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3 UNITED STATES DISTRICT COURT

## 4 DISTRICT OF NEVADA

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6 ASHLEY GLYNN BRANCH,

Case No. 3:22-cv-00361-MMD-CSD

7 Plaintiff,

ORDER

8 v.

9 WASHOE COUNTY SHERIFF'S  
DEPARTMENT, *et al.*,10 Defendants.  
11

12 *Pro se* Plaintiff Ashley Glynn Branch brings this action under 42 U.S.C. § 1983.  
13 (ECF No. 4.) Before the Court is the Report and Recommendation (“R&R”) of United  
14 States Magistrate Judge Craig S. Denney (ECF No. 7), recommending that the Court  
15 consider the first amended complaint (“FAC”) as the operative complaint, allow Plaintiff  
16 to proceed with his Fourth and Fourteenth Amendment claims against Defendants Sonia  
17 L. Butler and Deputy Rangle, and dismiss Washoe County Sheriff’s Department (“the  
18 Department”) with prejudice. Plaintiff had until March 2, 2023, to object to the R&R. To  
19 date, Plaintiff has not filed an objection. For this reason, and as explained below, the  
20 Court adopts the R&R in full.

21 Because there was no objection, the Court need not conduct *de novo* review, and  
22 is satisfied that Judge Denney did not clearly err. *See United States v. Reyna-Tapia*, 328  
23 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and  
24 recommendations is required if, but *only* if, one or both parties file objections to the  
25 findings and recommendations.”) (emphasis in original). Judge Denney correctly found  
26 that the Department should be dismissed with prejudice because Plaintiff fails to  
27 sufficiently state a claim against the Department despite being given leave to amend.  
28 (ECF No. 7 at 4-5.) Accordingly, the Court adopts Judge Denney’s recommendation.

1 It is therefore ordered that Judge Denney's Report and Recommendation (ECF  
2 No. 7) is accepted and adopted in full.

3 It is further ordered that the first amended complaint (ECF No. 4) is the operative  
4 complaint.

5 It is further ordered that Plaintiff is allowed to proceed with his Fourth and  
6 Fourteenth Amendment claims against Defendants Butler and Rangle.

7 It is further ordered that Defendant Washoe County Sheriff's Department is  
8 dismissed with prejudice.

9 The Clerk of Court is directed to issue summonses for Defendants Sonia Butler  
10 and Deputy Rangle, and deliver the same, to the U.S. Marshal for service. The Clerk is  
11 directed to send sufficient copies of the FAC (ECF No. 4) and this order to the U.S.  
12 Marshal for service on Defendants. The Clerk is directed to send to Plaintiff two USM-285  
13 forms. Plaintiff is given 21 days to furnish to the U.S. Marshal the required USM-285 forms  
14 with relevant information as to each Defendant on each form at 400 S. Virginia Street,  
15 2nd floor, Reno, Nevada 89501. Within 20 days after receiving from the U.S. Marshal a  
16 copy of the USM-285 forms showing whether service has been accomplished, if any  
17 Defendants were not served, and if Plaintiff wants service to be attempted again, he is  
18 directed to file a motion with the Court providing a more detailed name and/or address for  
19 service or indicating that some other method of service should be attempted.

20 Plaintiff is reminded that under Fed. R. Civ. P. 4(m), service must be completed  
21 within 90 days of the date of this order. If Plaintiff requires additional time to meet any of  
22 the deadlines set by the Court, he must file a motion for extension of time under LR 1A  
23 6-1 before the expiration of the deadline, and the motion must be supported by a showing  
24 of good cause. A motion filed after a deadline set by the Court or applicable rules will be  
25 denied absent a showing of excusable neglect.

26 Plaintiff is advised that once a Defendant is served, Plaintiff must serve a copy of  
27 every pleading or other document submitted for consideration by the Court upon the  
28 Defendant or, if an appearance has been entered by counsel, upon the attorney. Plaintiff

1 must include with the original of each document to be filed with the Court a certificate  
2 stating that a true and correct copy of the document was served on the Defendant, or  
3 counsel, if the Defendant has an attorney. Under LR 5-1, the proof of service must show  
4 the day and manner of service and the name of the person served. The Court may  
5 disregard any paper received which has not been filed with the Clerk, or that fails to  
6 include a certificate of service.

7 DATED THIS 9<sup>th</sup> Day of March 2023.

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10 MIRANDA M. DU  
11 CHIEF UNITED STATES DISTRICT JUDGE  
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